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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,542	10/16/2003	Alan Phillips	JK01474	7747
28268	7590	07/14/2006	EXAMINER	
THE BLACK & DECKER CORPORATION 701 EAST JOPPA ROAD, TW199 TOWSON, MD 21286				BLAKE, CAROLYN T
		ART UNIT		PAPER NUMBER
		3724		

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/687,542	PHILLIPS ET AL.
	Examiner Carolyn T. Blake	Art Unit 3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7,9-11,13-19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 3-6 and 13-16 is/are withdrawn from consideration.
- 5) Claim(s) 1,2,7,9 and 10 is/are allowed.
- 6) Claim(s) 11,17,19,21 and 22 is/are rejected.
- 7) Claim(s) 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 April 2006 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. This action is in response to the amendment and remarks filed April 21, 2006.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 11 17, 19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al (4,955,744) in view of Ohmi (4,305,441), and further in view of New (3,491,602), Feng et al (6,467,368), and Hitomi (6,848,642).

Barth et al discloses a blade clamp assembly substantially as claimed, including a planetary gear system (31, 37, 38); a body (39); a planet gear (37/38) engaged with the body; a bolt assembly including a threaded bolt (13) and a carrier (17); a cap (22) including a sun gear (31); and a ring gear (teeth 40). The Barth et al blade clamp is capable of being used with a rotary blade as claimed. Barth et al fail to disclose a blade washer. However, Ohmi discloses it is well known in the art to provide a washer (8) for engaging a tool in order to decrease undesired movement of the tool. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a washer, as disclosed by Ohmi, on the Barth et al device for the purpose of decreasing tool movement.

The Barth-Ohmi combination discloses the invention substantially as claimed, but fails to disclose a lever. However, it is old and well known to use a lever on a manual dial in order to increase torque and provide an ergonomic grip for a use. For example, New, Feng et al, and Hitomi all disclose such levers in a variety of applications.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lever, as disclosed by New, Feng et al, and Hitomi, on the Barth-Ohmi combination for the purpose of increasing torque and providing an ergonomic use grip.

Allowable Subject Matter

4. Claims 1, 2, 7, 9, and 10 are allowed.
5. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments, see page 13 of the remarks, filed April 21, 2006, with respect to the Childs et al reference have been fully considered and are persuasive. The rejection of claims 1, 2, and 7-10 has been withdrawn.
7. In response to applicant's argument that lever references are nonanalogous art, it has been held that a prior art reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, these references are reasonable pertinent to the particular problem with which Applicant was concerned, which is increasing torque while providing an ergonomic grip.

While differences may exist between the prior art levers made of record and the lever used in Applicant's device, these differences have not been claimed.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

CB
July 6, 2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER